HAVE NOT RESIGNED

Denial of a Report as to the Union Pacific Receivers.

Anderson Says Caldwell's Decision Has Embarrassed the Officials, but No Action Has Yet Been Taken.

At the offices of the Union Pacific railroad receivers in New York it was stated yesterday that there is no foundation in fact for a report emanating from Omaha to the effect that the receivers have decided to resign their offices in consequence of the stricures passed upon them by Judge

Caldwell touching the labor question. E. Ellery Anderson, one of the receivers, denied that there had been any resignation. and said: "The receivers of the Union Pazific system, however, have been somewhat shaken up over the recent decision of Judge Caldwell and it has been a question in our minds whether or not our relations toward the company and its army of employes have not been seriously, if not irrevocably, impaired by that decision, which was imprudent, to say the very least of it, and, to my mind, most unfortunate as far as we are concerned. Our position is a very grave one and is especially so when the vastness of the interests we represent is considered. That decision practically takes us to task. I have only seen Mr. Coudert once since the rendering of Judge Caldwell's decision, and Mr. Doane is in California, hence there has been no conference in regard to the

"Does not that feeling among the receivers portend a future possible resignation of the receivers?" he was asked. "I cannot answer that now as I do not know what course will be pursued."

Both Mr. Coudert and Mr. Anderson expressed the opinion that S. H. H. Clark would not resign from the presidency of the Union Pacific and that the reports of his resignation were not authentic.

Future of the I., D. & S. An expert railroad man, who is well informed as regards the Indianapolis, Decatur & Western, and who has recently examined the property and the possibilities of its development, has advised the first mortgage bondholders to bid the road in at the coming foreclosure sale and expend \$100,000 in building branches to near-by coal fields and stone quarries. He tells the bondholders that he is confident that with this sum expended the road can be readily made to pay operating expenses and 5 per cent, on the first mortgage bords. In this connection the gross earnings of the road since 1880, when it was opened for business into Indianapolis, become of interest. From 1880 to Dec. 31, 1893, fourteen years, the gross earnings have been as follows: 1880, \$429,662.43; 1881 \$496,833.12; 1882, \$418,491.19; 1883, \$424,785.76; 1884, \$346,938.27; 1885, \$385,082.18; 1886, \$456,-\$24.95; 1887, \$432,400.80; 1888, \$406,553.47; 1889, \$408,149.01; 1890, \$463,850.35; 1891, \$507,980.03; 1892, \$509,925.31; 1893, \$442,610.90. In July, 1888, R. B. F. Peirce was appointed trustee and general manager of the property. The largest earnings of the road were in 1890, 1891 and 1892, and for 1893 the exhibit, under the conditions which railways have labored the last year, is certainly creditable. The corn crop on its line, which usually furnishes the bulk of earnings a portion of the year, was a failure in 1893. The roadbed to-day is in better physical condition than at any time in its history. Less attention has been paid to the company's rolling stock than to the roadbed, yet it is stated that the power of the road is in excellent condition.

The Cody Patent Sustained.

Judge Swan, of the United States Court, rendered a decision at Detroit yesterday against the Michigan Central Railroad Company, which sustains the validity of the Cody patent of 1888 on steam heating for cars, owned by the Consolidated Car Heating Company, of Albany. He also granted an injunction and ordered an ac-This will affect nearly every railroad company in the country using steam heating, and all those using the Martin appartus, such as the Michigan Central used. This litigation has been pending for several years, and has been hotly con-tested. The decision holds the patent valid, and declares the use of the apparatus used by the railroad an infringement.

Personal, Local and General Notes. M. E. Ingalls, president of the Big Four, will return from the East to-day. E. E. Posey has been promoted to general passenger agent of the Mobile & Ohio.

L. W. Parker, the new agent of the Monon at Lafayette, will not take hold until H. C. Parker, traffic manager of the Lake Erie & Western, is in Chicago on official

The gross earnings of the Illinois Central for March dropped \$182,800 below those of The New York Central this week com-

pleted its block-signal system from New York city to Buffalo. J. D. Allison, agent of the Panhandle lines at Winamac, is a candidate for treasurer of the city of Logansport.

T. C. Mendenhall has been appointed assistant superintendent of the New Jersey division of the Pennsylvania lines. W. F. Wilson, general manager of the reorganized West Shore fast freight line, is expected in the city to-day on official busi-

Cornelius Vanderbilt and Chauncey M. Depew are on their annual inspection of the Vanderbilt lines, and will reach Chicago this evening.

The Lake Shore people have under consideration this year extending the Fayette branch of the road to Pioneer, O. President Newell is said to favor such an im-

J. R. Cavenaugh, superintendent of car service of the Big Four lines, who has been for several days at Chicago and other Western points on official business, is expected home to-day. Conductor Trindle says passenger busi-

ness is reaching its old-time volume with the Vandalia. On Train 20, yesterday, he brought in fifty-two passengers and 110 lo-The Toledo, Ann Arbor & North Michi-

gan, in connection with the Wabash, will open a new passenger line batween Toledo and Detroit, using thirty-two miles of the Ann Arbor road and thirty-three miles of

The Cincinnati, Hamilton & Dayton has distributed 60,000 ties on the Indianapolis division to be put under the track at once, and will shortly let the contract for a new bridge near Liberty and another near Brownsville, Ind.

R. F. B. Morse, Eastern passenger agent of the Big Four at Buffalo, N. Y., has not yet resigned, as stated by a Cincinnati paper. The Southern Pacific is anxious to secure his services, and should they agree on terms he may leave the Big Four.

The citizens of Springfield, O., say the talk of the Ohio Southern moving its general offices from Springfield to Lima is a mere bluff to get that city to put up \$40,000 to retain the general offices, which will not be done, says the Journal's informant.

The troubles in the Cincinnati-St. Louis pool have broken out afresh. Friday Commissioner Shattuc will get the belligerents together and try and patch up a peace. The Big Four is doing too heavy a business

Increased Appetite is one of the first good effects felt by users of Scott's Emulsion of cod-liver oil with Hypophosphites. Good appetite begets

is a fat-food that provides its own tonic. Instead of a tax upon appetite and digestion it is a wonderful help to both.

> Scott's Emulsion arrests the progress of Consumption, Bronchitis, Scrofula, and other wasting diseases by raising a barrier of healthy flesh, strength and nerve.

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between Cincinnati and St. Louis to please its competitors. This is said to be the chief irritant.

The stockholders of the Belt road of La-fayette will meet on Friday to ratify their part of the contract by which that company becomes surety for a portion of the \$100,000 which the Monon people are to receive to aid in the building of the shops at that

C. E. Rodenberg, for many years a pas-

senger conductor on the Indianapolis division of the Cincinnati, Hamilton & Dayton, but who for some time past had been a railroad contractor in Mississippi, died on Saturday, and his remains were brought to Richmond, Ind., for burial. John G. Williams, general manager of the Vandalia, has issued an official circular announcing the resignation of Col. Joseph

Hill as general superintendent and the appointment of N. K. Eillott to the position; also, the appointment of Harry Miller as superintendent of the main line, taking effect April 15.

E. P. Wilson, commissioner of the Cincinnati Freight Bureau, who has made quite a reputation as the head of that institution, has been asked to visit a number of points in the East and address the business men, giving information regarding the operations and results of the Cincinnati Yesterday he was in Rochester,

J. J. Frey, general manager of the Santa Fe lines, passed through the city at an early hour yesterday en route East over the Pennsylvania. He was accompanied by Adam Reelbeck and J. C. Loman, of Am-sterdam, who represent the Holland stockholders, and who for two weeks past have been making a careful inspection of the The National Association of Railway Air

Brakemen, composed of railway employes, met at Columbus, O., yesterday, and will spend the week reading papers and discussing air-brake methods and principles and improvement of brakes. The paper read yesterday was by Robert Burgess, of Louisville, on the care of the brake cylinder and the triple valve. Forty per cent. of the business of the

railways of France is passenger traffic. The six great railroad companies of that country were operated in 1893 on 53.14 per cent. of the gross earnings. In this country the average is 64 per cent. The roads earned an average, gross, of \$10,693 and \$5,150 net per mile operated for the year 1893. The six roads own 9,051 locomotives, 21,565 passenger cars and 244,392 freight cars.

The first report of the business handled by the Western immigrant clearing house has been issued. It shows a heavy falling off in the number of emigrants arriving compared with last year. In February, the arrivals at Ellis island were 7,517, against 8,330 for the same month in 1893, and January had but 6,964 arrivals, against 11,782 for the same month of 1893. In carrying the passengers to the West, the Northwestern and the Union Pacific did most of the busi-

Charges were recently preferred against the Chicago & Great Western of extending the limit of tickets from St. Louis to St. Paul. The Great Western claimed that it had extended the time on one ticket only, and on that because the holder was ill and was compelled to stop over in Chicago. When the case came to a trial at Chicago yesterday it produced a doctor's certificate and was promptly cleared of the charge of manipulating tickets. The other lines were half satisfied only, but were compelled to give in.

G. W. Kittredge, chief engineer of the Big Four, was in the city yesterday. He says the company has already purchased 600,000 ties, and will purchase 150,000 more. This week the first new steel was received. There are eight miles of it, and it weighs eighty pounds to the yard. These rails will at once be put in the track on the St. Louis division, between Paris and Charleston. The Chicago division is now practically laid with steel rail weighing eighty pounds to the yard, and the St. Louis division will be so improved.

The Baldwin locomotive works have recently shipped six locomotives to Brazil, equipped with the locomotive electric headlight built in this city. The Chicago & Eastern Illinois now has nineteen locomotives equipped with this electric headlight, the Vandalia eighteen, the Cincinnati, Hamilton & Dayton twelve, the Queen & Crescent eight, the Evansville & Terre Haute six, the Indianapolis, Decatur & Western six, the Monon two, and recently sixteen of these lights have been shipped to Southern roads which are adopting them. S. R. Calloway, president and receiver of the Toledo, St. Louis & Kansas City, has filed his report for March with the court, as follows: Cash transferred to receiver on May 22, 1893, as per report filed, \$7,863.89; recelpts from that date to March 31, 1894, on accounts prior to May 22, 1833, \$145,376.06; receipts from May 22, 1893, to March 31, 1894, on current accounts, \$2,158,995.60; disbursements from May 22, 1893, to March 31, 1894, on accounts prior to May 22, 1893, \$472,538.26; disbursements from May 22, 1893, to March 31, 1894, on current accounts, \$1,825,158.31;

cash on hand, March 31, 1894, \$14,539.01. Just at the time when other railroad centers are establishing freight bureaus the Indianapolis Board of Trade has allowed the Indianapolis freight bureau to pass out existence. Cincinnati has a bureau which is probably the most useful one in the country. Its cardinal principle is no hostility between earriers and shippers, their interests being mutual. Whenever the interests of Cincinnati are menaced by discrimination, however, the bureau comes to the front for active work. All fair claims secure instant attention, and the Bureau finds that railroads invariably settle legitimate claims.

The annual meeting of the Pitisburg, Cincinnati, Chicago & St. Louis was held in Pittsburg yesterday. The report of the board of directors for 1893 shows: Gross earnings, main line, \$15,750,809; expenses, \$12,034,631; other items, \$14,046, a decrease, as compared with 1892, of \$182,380; net profit \$1,087,612. The net earnings of the Pittsburg, Wheeling & Kentucky railroad were \$63,181 a decrease of \$51,430; net loss on the Little Miami for 1893, \$204,871. Passenger traffic shows a gain of \$741,474, as compared with 1892. Three directors were elected. They were James McCrea, of Pittsburg; W. H Barnes, of Philadelphia; Samuel S. Dennis,

of Newark, N. J. ANTI-LIQUOR MOVEMENT.

The League Issues a Call for a Temperauce Mass Meeting.

A number of persons interested in temperance are making arrangements for holding conferences in this city on April 18. Meetings will be held at the Y. M. C. A. Hall in the morning and afternoon, and at Tomlinson at night. The following call has been signed:

The Anti-Liquor League originated through the action of the highest legislative bodies of the Christian churches. It is a movement in which members of all denominations and all parties participate. It is interdenominational and all-partisan. Its object is to unite all temperance people in working for the nomination of pure men in his own party, and voting only for temperance men at the polls. It works with all parties and against none as such. We believe that this organization is the surest way to secure the enactment of better temperance laws and the faithful execution of existing laws. We believe that the temperance voters far outnumber those who favor the liquor interests. Therefore, we join in a call for a mass meeting of all temperance people who favor the aims and methods of the Anti-Liquor League. We hope to awaken such an interest that a league will be organized in every church and locality in the State. The

Liquor League is in earnest. The temperance people must be no less so. The following have signed the call: M. V. McGiltiard, Robert N. Lamb. L. L. Todd, H. R. Allen, Wilson Morrow, Wm. S. Hubbard, R. Hill, Henry C. Fisk, Chas. E. Reynolds, George W. Brown, O. S. Runnels, W. N. Wishard, Joseph Taggart, S. Elder, N. Hurty, Edward L. Mick, L. H. Dunning. G. W. Shover, Cline, H. C. Newcomb, H. Miles, J. J. W. Billingsley, Wymond J. Becket, John L. McMasters, John F. Carson, Wilson S. Doan, N. S. Byram, C. N. Thompson, C. E. Coffin, W. E. Mick, H. McKay, Thomas C. Day, Bruner, . E. Springer, F. Basgs, John H. Holliday, Ignatius Brown M. Smock, W. Woodward, Charles F. Coffin, E. G. Cornelius, John E. Cleland. John L. Benedict, H. M. Lash, W. L. Dunlap, S. W. McMahon, George J. Hammel, H. Clark, Robert W. McBride, Spann, J. R. Budd, W. W. H. Graham, Chas. W. Gorsuch, B. Julian, H. Herrington, John A. Lange, S. Cruse, William Cooper, George W. Crane, Ell F. Ritter,

Charles E. Dark, G. V. Woollen, W. J. McCulloug E. M. Goodwin. A. L. Mason,

J. McCullough,

Colter's Saloon Ordinance. The finance committee of the Council will meet to-night. About the only thing to come before it is the salcon license ordinance. Councilman Colter, who introduced it, said last night: "The object of this ordinance is to condense and simplify our present license laws. They have been amended so many times that they are now in a bad shape. This ordinance does not change the law at all, but it puts the ordinances and amendemnts as they now stand in a concise shape, so that they can be understood by anyone."

THE ARGUMENT ENDED

Judge Brown Takes Apportionment Case Under Advisement.

Mr. Ferd Winter's Contention Against the Law-Attorney-General Smith's Speech in Its Behalf.

Judge Brown devoted all day yesterday to the argument in the apportionment suit. The case was concluded last night and the court announced that it would decide the merits of the argument at its leisure. There were a number of important points to be looked up, he said, and he did not want to hurry through the work. It is expected that the decision will not be made public for a week or ten days. Ferd Winter made the closing speech for the plaintiff. He took up the case yesterday morning and concluded his argument at noon. At the outset he contended that the court had jurisdiction of the defendants, and citing a number of outside cases, held that all were affected alike. As to the question of previous adjudication he admitted that the plaintiff did not contend that the decision in the Parker case was binding on the Supreme Court. The character of the case had brought about the adjudication in the Supreme Court, but the inferior court could not ignore the decision because there had been a re-enactment of the law in controversy. He thought that the court could readily understand the obligatory nature of the rules of decision in the case of Parker vs. The State.

At some length the attorney discussed the bearing of political questions upon the present controversy. He clearly showed just how these same questions had been distorted by the counsel on the other side. The tariff was not one of the issues in the case, yet it would be argued by the opposing counsel that when the tariff law was attacked it was thrown out of the court because it was a political question. But notwithstanding the contention, he said, the United States Supreme Court took up the tariff law and decided its validity. He also referred to the attack on the rules of the House of Representatives by Speaker Reed as another political case that had come under the jurisdiction of the court. The Baxter law, although a campaign issue, was passed upon by the Supreme Court. Mr. Winter lamented the fact that Mr. C. W. Smith had wasted valuable time on the question of discretion, for only one court in the United States had held the contention that apportionment was a discretionary measure of a political nature. He believed that such a decision had been rendered in a Virginia court, but he had been unable to find an argument or citation in support of the decision. Mr. Smith had said much about the question being one of discretionary power, but Mr. Winter produced numerous authorities which he was sure would disprove the assertion. This question had been disposed of long years ago and the statement could be corroborated by an examination of cases cited in the Maine, Massachusetts and Ohio authorities. A specific case brought to the notice of the Supreme Court of Nebraska was a precedent. There the court had promptly decided the question to be a judicial and not a political one. Although the Nebraska court found relief for the plaintiff without passing upon the constitutionality of the law, it decided that had another law not furnished relief the apportionment must have been found unconsti-

tutional by the court. Mr. Winter resented the intimation of Mr. Smith that partisan bias might influence the courts. He did not believe that the bar would stoop to such a thing, and he pledged his sincere belief in the honest motives that he felt would control the decision of the present Supreme Court. He thought the last one had been actuated by honest motives. The courts of Indiana, he said, were institutions. They are not in-dividuals. Before the close of his argu-ment Mr. Winter took up the discussion of the Wisconsin, Michigan and New York cases. He cited several instances in the records where apportionments in these States had been taken up by the courts and disposed of. One particular case in Wisconsin was read where a court, undivided as to politics, had decided the question to be judicial and not political. In Michigan a similar case could be found. He closed with an urgent appeal to the court to strike down an infamous and unjust law that necessitated an unfair representation in the Legislature.

ATTORNEY GENERAL'S SPEECH. Mr. Winters was followed by Attorneygeneral Smith, who closed the argument. He held that the case of Parker vs. The State, decided by the Supreme Court in 133 Ind., is not decisive of the question involved in this litigation. Then, in substance, he set up the following contention: The Supreme Court, in passing upon the constitutionality of the law of 1891, went outside of the record to render its decision. It was not necessary in the decision of that case to decide that either of the apportioment laws named in the cision of the court that the laws of 1891, 1885 and 1879 were unconstitutional was overly gratuitous, unnecessary to the decision of the case and was obiter dictum. The question involved in the case of Parker vs. The State, when presented to the Supreme Court, was: "Is the plaintiff entitled to the relief demanded in its com-plaint?" The Circuit Court of Henry county had decided the question upon the demurrer to the complaint, holding that it contained facts sufficient to constitute a cause of action. The defendants elected to stand by the demurrer and refused to plead over. Therefore the Circuit Court rendered a judgment upon the demurrer to the complaint, in which it held that the laws of 1891 and 1885 were unconstitutional and that the law of 1879 was constitutional, so the Attorney-general held. The court directed that the officers be required to give notice of election under the provisions of the law of 1879. The case was appealed to the Supreme Court on the single question that the complaint did not state facts sufficient to constitute action and that the demurrer to the complaint should have been sustained. The Supreme Court first met the question presented by the demurrer and held that it should have been sustained by the Circuit Court because the complaint did not state a cause for action. For this reason the case was dismissed. This left the judgment of the lower court in the same condition that it would have been had the court in the first instance have sustained the demurrer. The remainder of the Attorney-general's argument is summarized as follows: "The Supreme Court vested its judgment in reversing the case upon the single proposition that the plaintiff was not entitled to the relief demanded, namely: that the law of 1891 was unconstitutional and the law of 1879 was constitutional; for the reason that the same objection with reference to inequalities existed in both statutes. It was not necessary to the reversal of the case for the court to declare either of these statutes unconstitutional, and therefore the decision which was written out declaring the law unconstitutional was wholly unnecessary. "The question of apportioning States for representative purposes belongs to the political power of the Legislature, and is by the Constitution vested in the General Assembly without limitation, except that such limitation be found in the Constitution itself. The court cannot apportion the State for legislative purposes, nor can it direct the Legislature as to the manner of such apportionment. The State government is divided by the Constitution into three separate and independent departments, the legislative, the judicial and the executive. The legislative makes the laws, the courts construe them and the executive executes them. The judiciary operates in the field of the civil power, and exercises all authority given it by the Legislature or conferred upon it by the common law. The Legislature exercises all power expressly conferred upon it by the Constitution, as well as all power not expressly prohibited by the Constitution. A political power is a power to exercise legislative discretion in all matters wherein the Constitution does

not expressly forbid such exercise. The po-

litical power of the Legislature has been

defined by a great lawmaker to be an at-

tribute of sovereignty vested in the Legis-

lature, with no limitation upon it except

it be found in the Constitution itself. It is

admitted by the other side that the Con-

stitution vests in the Legislature a discra-

tion in matters of legislative apportion-

ment. This discretion is not controlled by

the courts. It is granted to the law-mak-

ference. This is the construction that has been given to our Constitution by great lawyers. Governor Baker refused to sign the apportionment bill of 1872, because he said that it was an outrageous abuse of the legislative discretion which amounted to a crime itself. He also refused to veto the bill, because the act of apportionment was purely legislative and not subject to interference by the executive department. "Governor Hendricks, in speaking of the legislative apportionment of 1872, said that it was an outrage and a crime, but said that there was no redress for such abuses except through an appeal to the people. Governor Robertson, of New York, in speaking of the legislative apportionment of that State, said it was in the nature of a wholesale disfranchisement of the people of the State, but that, since it was legislative power, he declined to veto it. The Court of Appeals in New York, in the suit brought in that State in 1892 to declare the law unconstitutional, decided that the act of apportionment under the Constitution was vested in the Legislature's discretion, and that the courts could not remove or reverse that discretion. Before the court can declare a statute unconstitutional it must find that it violates some express provision of that instrument, and if a doubt exists as to whether the law is constitutional or not, that doubt must be resolved in favor of the law. It must appear that the law assailed as unconstitutional is plainly and palpably so, and the person charging such infirmities against the statute must be ready to point with exact decision the unconstitutionality of the law. If the court believes that by holding the statute invalid it would throw the State into a condition of anarchy and excitement and leave the people without a law upon the important subject, or make t necessary for an extra session of the Legislature to pass the same law or make a new one, at a cost to the people of the the State of \$100,000, it would be the duty of the court to deny the prayer of the petitioner. No court can afford to fasten such a burden upon the taxpayers simply to correct the inequalities that will always exist. In such cases the costs to be incurred by the people are far greater than the evils complained of in the law."

DOWN TO TESTIMONY.

(Concluded from First Page.) officer of the association, or any agent appointed to examine the affairs of such association; and every person who, with like intent, aids or abets any officer, clerk or agent in any violation of this section shall be deemed guilty of a misdemeanor, and shall be imprisoned not less than five years nor more than ten."

Mr. Harris then went on to say that the indictments charged that Haughey willfully misapplied the funds of the bank by applying them to the uses of the Indianapolis Cabinet Company; that he made a false entry in a book, and that he made a false report in July of 1894. He said it was nec-essarily charged that Haughey, as principal, did these things in order to affix the abetting him. He said the first question to be settled was, "Did Haughey misapply the funds of the bank and apply them to the use of the cabinet company?" He said the first fourteen counts of the indictment charged him with misappropriating certain specific sums in this way by the payment of checks drawn by the company when it had no funds on deposit in the bank. He said he thought there was a question as to whether this was a misappropriation of the funds of the bank, saying that it was a common practice for banks to honor overdrafts by firms and men who transacted large business with them. All of these counts alleged that the cabinet company was insolvent at the time, and that Haughey knew it was insolvent.

QUESTION OF INSOLVENCY.

Mr. Harris said there was a question as to whether the company was insolvent, and he thought before the case was concluded the jury would be prepared to say the company was solvent on every day from Jan. 1, 1891, to July 24, 1894. He then referred again to the scope of the company's business, the extent of its plant, etc. He said before the case was completed it would be shown that the company nad \$2 for every dollar they owed. Mr. Harris then went the consideration of counts seventeen to twenty-seven, and read count seventeen, charging that Haughey, as principal, and the defendants, as accessories, misapplied the funds of the bank to the extent of \$375,000 by eashing and discounting for the company a large number of worthless notes and bills of exchange on divers persons, who were insolvent, and known to be so by Haughey. He then went to a consideration of what the wording of the indictment meant. He said in law willful meant corruptly, and these indictments charged that Haughey corruptly appropriated the funds of the bank, in which he was a heavy stockholder and of which he was president, to the use of the cabinet company, in which he had

Upon the allegation that the cabinet company borrowed from the bank more than 10 per cent. of its capital stock, he said he could not see how the cabinet company was eriminally liable for this, and that it was not shown that the company had any knowledge of what the capital stock of the bank was. Mr. Harris then read count thirty-seven, charging Haughey with making a false entry in the books and charging the defendants as accessories. This count charged that Haughey had falsely entered upon the books a deposit by the cabinet company of \$20,480.76, when in fact no money was deposited. He said this might have been a very ordinary transaction, as when a depositor takes a note to his bank for discount and deposit the actual cash is not passed out over the counter and then again passed back into the bank, but the depositor is credited with having deposited that amount. As to the charges that the defendants aided and abetted Haughey in making a false report, he said he was advised by his clients that they did not know Haughey was intending to or had made any sort of a report. Mr. Harris then concluded with a caution to the jury not to form a verdict till the members had

OBJECT TO A CERTIFICATE. Defense Raises a Technical Point in

heard all of the evidence.

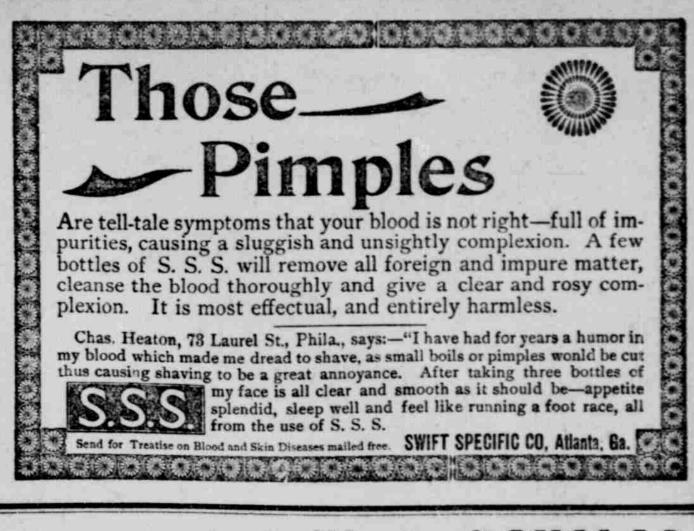
the First Evidence. At exactly 4 o'clock Mr. Harris concluded his statement to the jury, and as he took his seat Judge Baker said, "Call your first

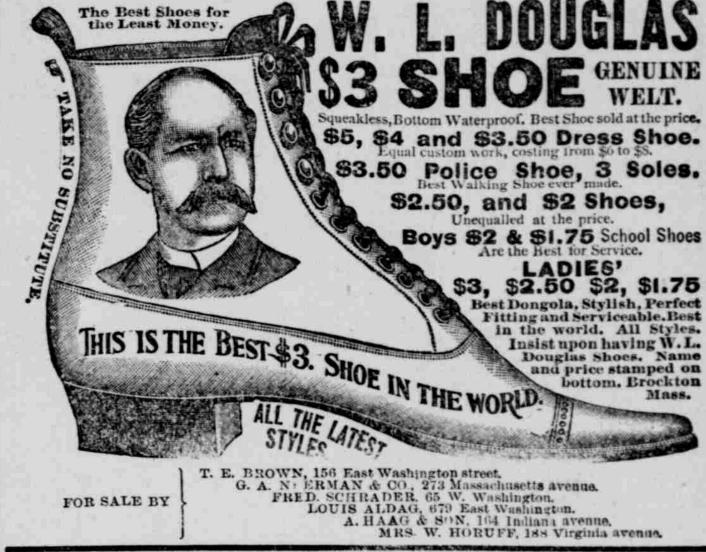
The room was very still in anticipation of the first bit of evidence to be introduced. All eyes were turned to the witness stand near the southwestern corner of the room immediately in front of the jury. There were several minutes of suspense while the court awaited the appearance of the first witness. In the interim there was speculation as to whom it would be. This speculation took a varied range. Whispered conversations were held in all parts of the room. A number of persons expected to see Theodore P. Haughey appear as the first to give evidence on behalf of the government. Others thought the government would not thus early in the case make known to the defense the strongest points of its case. All the while District Attorney Burke, with his deputy, Edwin Corr, and Mr. Kern, were busily engaged with a lot of papers lying upon their desk. These papers were tied with little pieces of colored tape. After several minutes Mr. Kern arose with some half dozen of these in his hand and announced that the first witness was these same papers. "We desire to offer in evidence a certified copy of the certificate of organization of the Indianapolis National Bank of Indian-

Mr. Kern handed the copy to the attorneys for the defense, and continuing. offered in evidence certified copies of the articles of association and the authority to do business. All the papers were then handed to the defendants' attorneys and by them closely scrutinized for a few minutes. It was but a short time till an objectionable point was thought to have been discovered. Reading from one of the certified copies Mr. Harris raised his head and "Sixty-four? Why this charter has "It was renewed in 1884," replied Mr.

Kern. The heads of the attorneys for defense were then again bent over the table in low conversation. In a few moments Mr. Harris called for a copy of the United States Revised Statutes, saying that the certificates were signed by a deputy Controller of the Currency and he thought there was for that reason a question as to their authenticity or admissibility as evidence. "It is plain we are to have a technical fight," remarked Mr. Kern to District Attorney Burke when the question was raised by Mr. Harris. The statutes were brought in and consulted. Section 327 was the one that governed

the case, and Mr. Miller, of counsel for defense, after reading the section, renewed the objection to the admission of the evilence. The certificate was signed by O. P. Tucker, Deputy Controller of the Currency, and the section of the statutes relating to the duties and authority of the Deputy Controller. It provides that he shall have the power to perform the duties attached by law to the office of Controller during a vacancy in the office or during the absence or inability of the Controller. Mr. Miller also urged as an objection that the certificate of the Controller should certify that all the provisions of the law had been complied with, while this certificate only stated that it was a true copy of the original articles ing power by the Constitution, and, when of association. After some more argument exercised, it is free from judicial inter- for and against the objection which had







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been entered to the admission of the evidence, Judge Baker overruled the objection. The counsel for defense had their exceptions to the ruling noted. They excepted to the ruling of the court on four grounds. They were that it was not a certificate by the Controller but by the Deputy Controller, with nothing to show that the Controller was absent or that there was a vacancy in the office; that it was not a certificate that the provisions of the law had been complied with; that the certificate did not conform to the law in that it did not state the residence and amount of stock held by each stockholder, and that it did selected by the incorporators had been approved by the Controller. The documents were then read by Mr. Kern. Certified copies of the original certificate filed by the officers and directors of the bank at the time it began business, containing the names and addresses of all of them, with the amount of stock owned by each; the amendment to the articles of association filed Sept. 30, 1884, extending the corporation for thirty years, were then offered by the government and objected to by the counsel for the defense, but admitted over the objections. "Perhaps there never was an Indianapolis National Bank," facetiously remarked

Mr. Kern. "Perhaps not," replied Mr. Miller. The minute book kept by the directors of the bank was then introduced. Its authenticity was admitted by counsel for the defense without proof, and Mr. Kern read from it the names of the officers of the bank for the years 1891 to 1893, inclusive, The court then adjourned till 9 o'clock this Before the jury was dismissed, Judge Baker turned to it and said: "Gentlemen,

you will observe by the number of representatives of the press who are present on behalf of a reading public that a great interest is being taken in what transpires here. It is entirely proper that the representatives of the press should be here; it is proper that the proceedings here should be recorded. While that is true, it is of the greatest importance that you should remember that you are separated for the purpose of a high trust and it is of great consequenes to the administration of justice and reaching of right conclusions that nothing that appears in the press should intermingle with what you hear here. To avoid this let me admonish you that you do not read anything about this case that may appear in the papers. This is not given per functus, but because it is important that you discharge the duties that devolve upon

Steinkamp Was Ignorant.

The Governor yesterday paroled George F. Steinkamp, of Jackson county, who was sent to the penitentiary last September for two years for forgery. Steinkamp is a common laborer, without education, and has a wife and five children in destitute circumstances, and who have been supported by their neighbors ever since his imprisonment. He had no appreciation of the offense which he committed, and was, in fact, induced to forge a note for \$25 by the representation of a friend, who told him it was an easy way to secure money to relieve his family necessities. Steinkamp's brother took the note up when it was due, so that the man whose name was forged lost nothing. It was not until eight months or more after the note was forged that Steinkamp was arrested. He pleaded guilty, and was sent to the Jeffersonville prison for two years, but the judge, court officials and many leading residents of the county urged the parole, and the Governor

granted it. Oleo Case from Bloomington. Peter B. Martin, of Bloomington, was brought here yesterday by Deputy United States Marshal Stewart for alleged violation of the internal revenue law. Martin is a grocer and has been supplying various

customers with oleomargarine. In the case

RAILWAY TIME-TABLES. Indianapolis Union Station Trains Run by Central Time. TICKET OFFICES at Station and at corner Illinois and Washington Streets. TRAINS RUN AS FOLLOWS *Daily. † Daily, except Sunday.
FROM INDIANAPOLIS TO LEAVE ARRIVE Columbus, Ind., and Louisville *3.35 am *11.00 pm Philadelphia and New York *4.50 am *10.15 pm Baltimore and Washington Dayton and epringaeld *4.50 am Martinsville and Vincennes... *7.45 am Richmond and Colombus, O... 18.00 am *5.05 pm Madison and Lou sville 18.05 am Logansport and Chicago *11.15 am Dayton and Columbus "11.45 am Dayton and Springfield Philadelphia and New York ... *3 00 pm Baltimore and Washington ... *3.00 pm Columbus, Ind., and Louisville 3.30 pm

VANDALIA LINE

Columbus, Ind., and Madison, 14.00 pm |10 15 am

Martinsville and Vinceanes... †4.00 pm †10.45 am Pittsburg and East...... *5.10 pm *11.40 am Dayton and Xenia *5.10 pm *11.40 am

Knightstown and Richmond . 14.00 pm

From Indianapoles - 47:30 am St. Louis Accommodation 47:30 am St. Louis Fast Line *11:50 am St. Louis Fast Line *12:55 pm *2:50 pm Terre Haute Accommodation. \$4:00 pm 110:00 am *3:35 ana St. Louis Express Trains connect at Terre Haute for E. & T. H. points. Evansville sleeper on night train. Sleeping and parlor cars are run on through trains.



Cin. Vestibule Limited..... *3:05 pm Cin. Teledo and Detroit.... †6:30 pm *11.50 am Cin., Toledo and Detroit. *Daily. †Daily, except Sunday. CHIROPODIST. Dr. B. J. MORGAN CORNS & BUMIONS Natis, without Pain or Drawing Blood,

References: Albert Gail, Dr Henry Jameson, Gov. Matthews, Dr. Pink, Tom Taggart, Louis Reibold. Cordova Biock, Rooms 23 and 24. 2519 West Washington Street.

keeper oleo without the proper label on the packages. The latter bought the stuff for oleo and there was no deception whatever except a negligence to observe the letter of the law relative to bogus butter. The charge was made by an agent in the revenue service and the restaurant man summoned as prosecuting witness. He and the grocer are the best of friends and he says he bought oleo from him right along. The violation is merely a technical one Martin was given a hearing by United States Commissioner Van Buren, who held him in \$200 for grand jury action. He furnished bond, with Chas. D. Pearson, of Pearson & Wetzel, of this city, as surety, and was released.

Daisy Davidson Found.

Daisy Davidson, aged eighteen years, who disappeared from her home, No. 271 Massachusetts avenue, where she had been living with Harry Donavon, her adopted father, about three weeks ago, and who was supposed to be visiting her aunt in Terre Haute, has been located in this city. She charged he has been selling a restaurant I is now at her home